

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MICHAEL JERRIAL IBENYENWA,

Plaintiff,

versus

CIVIL ACTION NO. 9:21-CV-106

JERRY L. WILSON, *et al.*,

Defendants.

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Michael Jerrial Ibenyenwa, proceeding *pro se*, filed the above-styled civil rights lawsuit against Jerry L Wilson and Randy O’Neal. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion to dismiss filed by the defendants be granted.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion plaintiff's objections are without merit. Despite plaintiff's assertions, the magistrate judge applied the correct pleading standard and accepted plaintiff's allegations as true. Further, the magistrate judge correctly concluded defendant Wilson was entitled to qualified immunity with respect to the claims against him in his individual capacity. Finally, plaintiff's allegations fail to show that defendant O'Neal was personally involved in the actions described in the pleadings or established a constitutionally deficient policy which resulted in the harm suffered by plaintiff.

ORDER

Accordingly, the objections filed by plaintiff in this matter (#32) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#30) are correct, and the report of the magistrate judge is **ADOPTED**. The motion to dismiss (#15) is **GRANTED**. A final judgment shall be entered dismissing this lawsuit.

Signed this date

Aug 28, 2023

Marcia A. Crone

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE